

Maisch, Don D.

From: Maisch, Don D.
Sent: Tuesday, April 4, 2017 10:20 AM
To: Kimble, L. Carter
Subject: RE: HB1703

Carter –

I have reviewed HB 1703 (2017) and compared the appropriations limiting language in HB 1703 to the appropriation limiting language in HB 2797 (2016). If you recall – the issue with the limiting language in HB 2797 was not the language used, but the fact that the language was not used in all situations covered by the bill.

The appropriations limiting language in HB 1703 (2017) reads as follows: “The State Department of Health shall make grants to a grant-supervising entity under the Choosing Childbirth Act as funds become available from appropriations.” Since the only initial duty of the OSDH under the bill is to make grants to a grant-supervising entity, and all other duties of the OSDH grow out of the duty to provide grants, the appropriations limiting language applies to all OSDH activities under the Choosing Childbirth Act.

The appropriations limiting language in HB 2797 (2016) reads as follows: “Contingent on the availability of funds being appropriated by the Legislature specifically for this purpose, the State Department of Health shall...”

The appropriations limiting language in HB 2797 (2016) is specific – in that funds are to be appropriated by the Legislature “specifically for this purpose,” basically saying a line item is necessary in the appropriations bill that is to fund the program.

The appropriations limiting language in HB 1703 (2017) is more general – “as funds become available from appropriations.” The language in HB 1703 (2017) would not require language in an appropriations bill that is specific to fund the Choosing Childbirth Act, but that if general state funds priorities were changed [like a sweep of revolving fund accounts were altered to be used to fund the Choosing Childbirth Act, or OSDH state funding priorities changed and “funds became available” for the Choosing Childbirth Act, then the OSDH would be mandated to fund grants.

If the HB 2797 (2016) language were used in HB 1703 (2017) then, in my opinion, it would take some type of specific statement from the legislature in an appropriations bill (like a line item) to require the OSDH to make grants available to fund the program.

I hope this helps – if you have any questions, please let me know.

Thanks!!!

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From: Kimble, L. Carter
Sent: Tuesday, April 04, 2017 9:30 AM
To: Maisch, Don D.
Subject: HB1703

If you don't mind taking a look at HB1703 and give me your thoughts. They are trying the same "when we give you money go do this but until then don't do anything" like the bathroom signage stuff last year.

Mainly just looking for what hot spots there are in the bill as written.

Sent from my BlackBerry 10 smartphone.